

**REMARKS**

Prior to examination of the present application, applicants request that the following remarks be considered.

The present invention relates to the production of antibodies in a poultry bird against a TCB hapten. It is a well known fact that antibodies are produced only against anything the animal senses to be foreign to it. Ovalbumin (OA) is a part of a poultry bird's system, i.e. egg albumin, but bovine serum albumin (BSA) is not. Therefore one of ordinary skill in the art would expect that the production of antibodies would be low in hens immunized with TCB-OA compared to TCB-BSA. This is because the poultry bird would be expected to recognize TCB-BSA as a foreign substance and therefore to produce antibodies against it.

Figure 1 attached hereto as Appendix I represents an assay performed with both the TCB-BSA and the TCB-OA antibodies. As can be seen, the sensitivity of the TCB-OA antibody is less than that of TCB-BSA and demonstrates an unexpected result. Therefore, applicants have rebutted the *prima facie* case of obviousness by showing unexpected results.

**Statement of the Substance of the Interview**

Applicants wish to thank Examiner Huynh for the interview granted to the undersigned on September 12, 2005. The Interview Summary dated September 14, 2005 accurately reflects what was discussed during the interview and is hereby incorporated by reference. The possibility of providing objective evidence of distinguishing TCB-BSA antibodies and the TCB-OA antibodies was discussed. In light of this discussion, applicants provide this objective evidence with this response.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 12, 2006

By 

FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

Matthew E. Mulkeen  
Attorney for Applicants  
Registration No. 44,250



Atty. Dkt. No. 056859-0131

## APPENDIX I

